Artificial Intelligence and Intellectual Property

Comments/Questions - Ecuador

Issues

Beyond software registration for Intellectual Property Purposes should AI be considered IP or a Commercial tool? What is the limit between those two disciplines?

- Patents
  a. It is important to also take in consideration the modus of identification of IA created patents that are not identified as such by the inventor.
  b. Besides the permission of the law to identify IA as a valid tool of IP, it is important to consider should a separate policy be instituted for IA created patents within IP, does this constitute IP in accordance to its definition? Or should it be considered a commercial tool?
  c. Is the creation of the IA considered the creation, and the result of its programming not be patentable but just commercialized?
  d. Is this discussion pertinent considering mainstream issues that have not been solved regarding difference in country development?

- Copyright and Related Rights
  a. Would it be plausible to recognize the assistance of AI in a copyright work giving its authorship to the human whose creativity gave forth to its implementation? – just for informational purposes.
  b. Should deep fakes be considered an extension of copyright 70 years plus life of the author and follow its general rule, as it is a technological reproduction of the original performance.
  c. Should a limitation of usage of IA in copyright be instituted? Should it be limited, as medicines are allowed to be used within certain legal frames for the benefit of society?

- Data
  a. Would the regulation and evolution of data procurement allow less IP infractions or would the accessibility to these programs encourage piracy and/or illegal appropriation.

- Designs
  a. Should there be a different consideration for designs, patents and copyright considering their step from the same idea that algorithms are being used to present a product, independently of the product created?
Technology Gap and Capacity Building
   a. Should a limitation of usage of IA be instituted? Should it be limited, as medicines are allowed to be used within certain legal frames for the benefit of society?
   b. Should there be compulsory licensing for those countries not AI capable as to allow a stable development from all its WIPO members?

Accountability for IP Administrative Decisions
   a. Should WIPO create a new committee concerning AI intellectual property be instituted?
   b. Would this directly impact WIPO’s mandates and structure? Would those international treaties signed concerning the various topics in IP be modified to comply with new AI considerations?